

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

CYNTHIA K. HAYNES,)
vs.)
Plaintiff,)
JENNIFER WILLIAMS, et al,) Case No. 1:21 CV 160 ACL
Defendant.)

ORDER SETTING RULE 16 CONFERENCE

IT IS HEREBY ORDERED that,

1. **Scheduling Conference:** A Scheduling Conference pursuant to Rule 16, Fed.R.Civ.P, is set for **Tuesday, August 16, 2022 at 11:00 a.m.** at the Rush H. Limbaugh, Sr. United States Courthouse, 555 Independence, Cape Girardeau, Missouri 63703, **by telephone. Counsel should call in to the conference at 877-402-9753; Access Code: 6071313.** At the scheduling conference counsel will be expected to discuss in detail all matters covered by Rule 16, Fed.R.Civ.P., as well as all matters set forth in their joint proposed scheduling plan described in paragraph 3, and a firm and realistic trial setting will be established at or shortly after the conference.

2. **Meeting of Counsel:** Pursuant to Fed. R. Civ. P. 26(f), prior to the date for submission of the joint proposed scheduling plan set forth in paragraph 3 below, counsel for the parties shall meet to discuss the following:

- the nature and basis of the parties' claims and defenses;
- the possibilities for a prompt settlement or resolution of the case;
- the formulation of a discovery plan including the nature and scope of any burdens associated with the preservation, retrieval, review, disclosure, and production of discoverable information relative to the likely benefit of the proposed discovery;

- costs, if any, the parties may be willing to share to reduce overall discovery expenses, such as the use of a common electronic discovery vendor (if applicable) or other cost-saving measures;
- any issues specifically relating to disclosure or discovery of electronically stored information, including –
 - i. the form or forms in which it should be produced;
 - ii. the topics for such discovery and the time period for which such discovery will be sought;
 - iii. the various sources of information and/or systems within a party's control that should be searched for electronically stored information; and
 - iv. any issues relating to the preservation, retrieval, review, disclosure and/or production of electronically stored information;
- any issues relating to claims of privilege or of protection as trial-preparation material, including – if the parties agree on a procedure to assert such claims after production – whether to ask the Court to include their agreement in an order under Federal Rule of Evidence 502; and
- any other topics listed below or in Fed. R. Civ. P. 16 and 26(f).

Counsel shall also have a meaningful discussion of the discovery anticipated in the case, and

should plan for and work toward proportional discovery. This meeting is expected to result in the parties reaching agreement on the form and content of a joint proposed scheduling plan as described in paragraph 3 below.

Counsel will be asked to report orally on the matters discussed at the meeting when they appear before the undersigned for the Rule 16 conference, and will specifically be asked to: offer a summary of their case; report on the potential for settlement (whether settlement demands or offers have been exchanged, without revealing the content of any offers or demands, and, suitability for Alternative Dispute Resolution); **and provide a description of the volume and nature of the discovery anticipated in the case.**

Only one proposed scheduling plan may be submitted in any case, and it must be signed by counsel for all parties. It will be the responsibility of counsel for the plaintiff to actually submit the joint

proposed scheduling plan to the Court. If the parties cannot agree as to any matter required to be contained in the joint plan, the disagreement must be set out clearly in the joint proposal, and the Court will resolve the dispute at or shortly after the scheduling conference.

3. **Joint Proposed Scheduling Plan:** No later than August 9, 2022, counsel shall file with the Clerk of the Court (and provide a courtesy copy to the chambers of the undersigned) a joint proposed scheduling plan. **All dates required to be set forth in the plan shall be within the ranges set forth below for the applicable track:**

Track 1: Expedited

*Disposition w/in 12 mos of filing
*120 days for discovery

Track 2: Standard

*Disposition w/in 18 mos of filing
*180-240 days from R16 Conf. for
Discovery/dispositive motions

Track 3: Complex

*Disposition w/in 24 mos of filing
*240-360 days from R16 Conf.
for discovery/dispositive motions

The parties' joint proposed scheduling plan shall include:

- (a) whether the Track Assignment is appropriate; **NOTE: This case has been assigned to Track 2: Standard.**
- (b) dates for joinder of additional parties or amendment of pleadings;
- (c) a discovery plan including:
 - (i) a date or dates by which the parties will disclose information and exchange documents pursuant to Rule 26(a)(1), Fed.R.Civ.P.,
 - (ii) whether discovery should be conducted in phases or limited to certain issues,
 - (iii) dates by which each party shall disclose its expert witnesses' identities and reports, and dates by which each party shall make its expert witnesses available for deposition, giving consideration to whether serial or simultaneous disclosure is appropriate in the case,
 - (iv) whether the presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed.R.Civ.P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed.R.Civ.P. should apply in this case, and if not, the reasons for the variance from the rules,

- (v) whether any physical or mental examinations of parties will be requested pursuant to Rule 35, Fed.R.Civ.P., and if so, by what date that request will be made and the date the examination will be completed,
- (vi) a date by which all discovery will be completed (**see applicable track range, Section 3. Above**);
- (vii) any other matters pertinent to the completion of discovery in this case,

(d) the parties' positions concerning the referral of the action to mediation or early neutral evaluation, and when such a referral would be most productive;

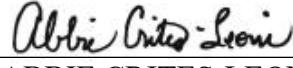
(e) dates for filing any notice of motion pursuant to E.D.Mo. L.R. 4.05 as to any motions to dismiss or motions for summary judgment as well as dates for the filing of any completed motion packages (**see applicable track range, Section 3. above**);

(f) the earliest date by which this case should reasonably be expected to be ready for trial (**see applicable track range, Section 3. above**);

(g) an estimate of the length of time expected to try the case to verdict; and,

(h) any other matters counsel deem appropriate for inclusion in the Joint Scheduling Plan.

Dated this 8th day of July, 2022.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE